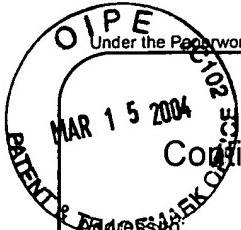


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4/3  
3/23/04

# Request For Continued Examination (RCE) Transmittal

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>Application Number</b>	09/426,973
<b>Filing Date</b>	November 9, 1999
<b>First Named Inventor</b>	Mark E. Pennell
<b>Art Unit</b>	2178
<b>Examiner Name</b>	Ludwig, Matthew J.
<b>Attorney Docket Number</b>	50642.00003

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

- b.  Enclosed

- i.  Amendment/Reply  
ii.  Affidavit(s)/Declaration(s)

- iii.  Information Disclosure Statement (IDS)  
iv.  Other \_\_\_\_\_

2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(l) required)

- b.  Other \_\_\_\_\_

3. Fees

- The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.05-0150

- i.  RCE fee required under 37 C.F.R. 1.17(e)  
ii.  Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii.  Other \_\_\_\_\_

03/17/2004 SFELEKE1 00000005 050150 09436973

- b.  Check in the amount of \$ \_\_\_\_\_ enclosed

01 FC:2801 385.00 DA

- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**RECEIVED**

MAR 17 2004

Technology Center 2100

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Aaron Wininger	Registration No. (Attorney/Agent)	45,229
Signature		Date	March 11, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Aaron Wininger	Date	March 11, 2004
Signature		Date	March 11, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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RCE-2700  
PTO/SB/21 (08-03)  
Approved for use through 07/31/2006. OMB 0651-0081  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/436,973
		Filing Date	November 9, 1999
		First Named Inventor	Mark E. Pennell
		Art Unit	2178
		Examiner Name	Ludwig, Matthew J.
Total Number of Pages in This Submission	4	Attorney Docket Number	50642.00003

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment and Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> with RCE	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Request for Status of Application
<input type="checkbox"/> Extension of Time Request (in duplicate)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Request for Continued Examination (RCE) Transmittal
<input checked="" type="checkbox"/> Return Postcard	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

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MAR 17 2004

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Aaron Wininger, Reg. No. 45,229 Squire, Sanders & Dempsey L.L.P. 600 Hansen Way Palo Alto, CA 94304-1043
Signature	
Date	March 11, 2004

### CERTIFICATE OF MAILING

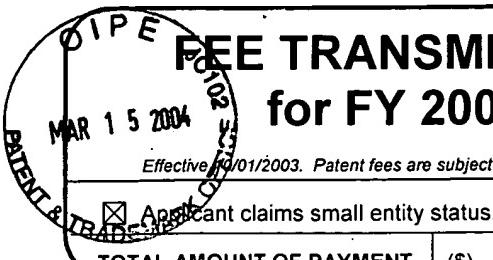
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Aaron Wininger		
Signature		Date	March 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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 <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2004</h2> <p style="margin: 0;">Effective 01/01/2003. Patent fees are subject to annual revision.</p>		<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/436,973</td> </tr> <tr> <td>Filing Date</td> <td>November 9, 1999</td> </tr> <tr> <td>First Named Inventor</td> <td>Mark E. Pennell</td> </tr> <tr> <td>Examiner Name</td> <td>Ludwig, Matthew J.</td> </tr> <tr> <td>Art Unit</td> <td>2178</td> </tr> <tr> <td>Attorney Docket No.</td> <td>50642.00003</td> </tr> </table> <div style="text-align: right; margin-top: -10px;"> <span style="font-size: 2em; color: black;">RECEIVED</span>  <span style="font-size: 1em; color: gray;">MAR 17 2004</span>  <span style="font-size: 1em; color: gray;">Technology Center 2000</span> </div>		Application Number	09/436,973	Filing Date	November 9, 1999	First Named Inventor	Mark E. Pennell	Examiner Name	Ludwig, Matthew J.	Art Unit	2178	Attorney Docket No.	50642.00003																																																																																																																																																																																						
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Name (Print/Type)	Aaron Wininger	Registration No. (Attorney/Agent)	45,229	Telephone	650.856.6500																																																																																																																																																																																																
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